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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,697	07/02/2001	Hiroaki Shinohara	50R4616	2441

7590 05/23/2005

John L. Rogitz
Rogitz & Associates
Suite 3120
750 B Street
San Diego, CA 92101

EXAMINER

CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/898,697	SHINOHARA, HIROAKI	
	Examiner	Art Unit	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomsen (US 2002/0067428).

As to claim 1, the claimed TV is met as shown in Figure 1 [0024]. The claimed processor is met a combination of “certain modules of software, microcode, and hardware” [0029]. The controller 116 sends “signals to a cathode ray tube” [0027] (Claimed coupling to the TV), receives “closed caption” [0025] (claimed receiving televised closed captioning content), and “transmits instructions to the external device to search for content that contains or matches the second buffer’s content” and “displays the result that are provided by the external device” [0031] (claimed accessing at least one site in the network based at least partially thereon).

As to claim 2, the caption module can “relate the on-screen selected word(s) to closed caption data stored in a caption buffer memory” [0031], where the “viewer...highlights individual symbols on the television display” [0042] (claimed “processor receiving a viewer selection portion of the closed captioning content”); and then the “video controller 116 activates a viewing program on the television so as to allow the viewer to view and access the data that is returned by the data warehouse [0050] (claimed “accessing at least one site in the network based at least partially on the selected portion”)

As to claim 3, the viewer can “use a ‘caption selection’ button on the keypad 120 or on the remote control 140 to initiate caption selection” [0040] (claimed “input device manipulable to establish selected portion).

As to claim 4, the “data storage for storing closed captioning content” is met when the “video controller 116 copies the highlighted text to a find buffer” [0048].

As to claim 5, the claimed processor accessing “a wide area network search engine” and inputting portions of selected closed captioning content is met by the “video controller 116 formatting the content of the data in the find buffer for transmission to a data warehouse” such as an “Internet search engine” [0049].

As to claim 6, the claimed “processor accessing a wide area network site using a URL derived at least in part from the selected portion” is met as shown in Figure 10. The caption selected search term is “EPA” and as shown in the address toolbar <http://www.altavista.com/cgi-bin/query?pg=q&k=XX&q=EPA>, the search term EPA is used to generate the URL.

As to claim 7, the claimed “receiving of closed captioning at a TV receiver” is met as discussed in claim 1. The claimed “receiving of at least one viewer selection...” is met as discussed in claim 2. The claimed “automatically accessing the network site...” is met when the “video controller 116 activates a viewing program on the television so as to allow the viewer to view and access the data that is returned by the data warehouse” where for example, “the viewing program is an Internet browser” [0050].

As to claim 8, the claimed “act of receiving...by a remote control signal” is met as described in claim 3.

As to claim 9, the claimed storing of closed captioning is met as discussed in claim 4.

As to claim 10, the claimed “accessing of a search engine” and “inputting as a search term...” is met as described in claim 5.

As to claim 11, the “accessing a wide area network...” is met as discussed in claim 6.

As to claim 12, the claimed “means for receiving the televised content...” is met as described in claim 1, wherein the “closed caption box 204 includes a plurality of symbols 206, including text, numbers, punctuation characters, graphical characters” [0025] (claimed “content including alpha-numeric characters”). The claimed “means for receiving a viewer selection...” is met as discussed in claim 2, and the claimed “means for responsive to viewer selection...” is met as discussed in claim 7.

As to claim 13, the claimed “means for storing...” is met as discussed in claim 4.

As to claim 14, the “means for accessing access a search engine...” is met as discussed in claim 5.

As to claim 16, the claimed closed captioning is met as discussed in claim 12.

As to claim 17, the claimed a closed captioning window is met by the “closed caption box 204” [0025].

As to claim 18, the claimed viewer selection is met as discussed in claim 3.

As to claim 19, the claimed TV is met as discussed in claim 1.

As to claim 20, the claimed processor is met as discussed in claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Brodsky (US 5,809,471) reference discloses a system and method for selecting portions of closed caption content, and using that content as terms in a wide area network search engine.


Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600